

Board of Commissioners

August 16th, 2011 --1 p.m.

Meeting called to order by President Gogel. Parties present are as follows: Gogel, Logsdon, Toler, Board Attorney Lindsey, Auditor Lynam, Hwy Superintendent Painter and Engineer Lloyd.

Minutes

August 2nd, 2011; Logsdon made a motion to approve the minutes removing the last line under adjourned. Toler seconded. All were in favor.

Community Wide Grant

Gogel asked for an estimate of cost prior to the bid openings. Engineer stated that this must be done prior to bid openings due to the fact if the bids are higher than Meador's estimate the bids would have to be re-bid unless one would be within 10% of the estimated amount. Scott Meador gave his estimate on Communication Tower project - \$106,412. This amount is to cover the cost of taking down the Chrisney, Indiana communication tower and moving it to St. Meinrad, Indiana then erecting a new tower in Chrisney and erecting the existing tower from Chrisney at the St. Meinrad site. First Bid opened by Board of Commissioners Attorney Lindsey was Preferred Tank and Tower, Inc. out of Evansville, Indiana break down for Chrisney Site cost \$125,680 and St. Meinrad Site cost \$60,000 total Bid \$185,680. Second Bid opened by Attorney Lindsey was ERI (Electronic Research, Inc.) from Chandler (bid not break down) total proposal price for Chrisney and St. Meinrad Site's total \$171,790. That was all of the bids that were received prior to the meeting. Gogel asked if Meadors wanted to review the bids. There was some discussion. Toler made a motion to table the bids. Logsdon seconded. All were in favor. At the end of commissioners meeting Logsdon asked another question concerning the high bids. Meadors stated that FEMA had given a 60-90 days extension on this project. Logsdon made a motion to request additional appropriations of \$45,000 from COIT for the communication towers. Toler seconded. All were in favor.

Highway Report

Superintendent Painter stated they are currently working on CR 475 hopefully this road will be completed by Thursday of this week. County is doing the chip and seal on this road. CR 450W is completed with the exception of putting the chip and seal surface on it. The workers will do the chip and seal surface on CR450W as soon as they are done on CR475 with the chip and seal. Shoulder stone and contract work was done last week on both of these roads. Painter spoke to Steve Berg yesterday while working on CR 2200. Painter stated county is putting the rock down on 500E and Berg is doing the blade work preparation. Logsdon sent to Vanderbilt all necessary data to have the easement granted. Logsdon had not received any information in response as yet. Painter was asked by Logsdon to contact Berg and see if Berg had received confirmation if not Logsdon stated he would follow-up. Painter stated garage had received first billing and that it would be paid at counties next billing. Steve Berg had told Painter he would go to commissioners to follow-up on delinquent commitments. CR 2200 is Dubois maintenance. There was discussion on other county roads that are in need of repair. Villa Ova area is not the counties road. Legally we can not take a grader onto this road. There are about 19 residents in this Villa Ova area that are paying county taxes but they are victims of a developer that no longer is in business. This is a hard situation. This is documented as a private road. It has been dedicated just not accepted. There are areas like this in other Spencer county towns.

Superintendent Painter and Engineer Lloyd discussed with commissioners the need to repair two roads not in the bid packet for CR 225E. Logsdon made a motion to add CR 1875 and a section of road from CR 225E to Road 68 to the bid packet (for CR 225E). Logsdon added that the section of CR 225E to Road 68 be temporarily added as a CREDIT road. Toler seconded. All were in favor. Teamster meeting date to be considered and determined at 9/6/11 commissioners meeting and completion of project is the end of December, 2011.

Engineer Bid Opening

CR 1075N -- from SR 545 to Perry County

The engineer's estimate on CR 1075N is - \$104,095. Attorney Lindsey opened first bid from J.H. Rudolph all paperwork was in place and the bid amount was \$97,053. Second bid opened was Gohmann Asphalt and Construction all paperwork was in place and the bid amount total was \$88,446. There were no other bidders on this project. Logsdon requested to take bids under advisement. Toler seconded. All were in favor. Engineer made a recommendation to accept Gohmann Asphalt and Construction as the low bidder of \$88,446 on the above stated

roads. Gogel asked for comments from the public. There were no comments. Logsdon made a motion to accept engineer's recommendation. Toler seconded. All were in favor.

CR 950N -- from SR 545 to Perry County

The engineer's estimate on the above CR is \$99,965. Attorney Lindsey opened first bid from Gohmann Asphalt and Construction all paperwork was in order and the total bid was \$81,325. The second bid the attorney opened was from J.H. Rudolph all paperwork was in order and the total bid price was \$93,740. Logsdon made a motion to take bids under advisement. Toler seconded. All were in favor. Engineer recommended awarding Gohmann Asphalt and Construction as the low bidder on the above road project. Gogel asked for comments from the public. There were no comments. Logsdon made a motion to accept engineer's recommendation. Toler seconded. All were in favor.

Stones Lane --from Old Lamar Highway to CR 1050N

The engineer's estimate on the above road bid is - \$189,650. Attorney Lindsey opened first bid from Gohmann Asphalt and Construction paperwork was in order and the total bid price was \$163,052. The second bid opening by Attorney Lindsey was J.H. Rudolph all the paperwork was in order and the total bid price was \$178,700. The Third bid opened by Attorney Lindsey was E & B Paving all paperwork was in order and the total price is \$219,999. Metzger Construction was the last opened bid on this bid opening. All of Metzger Construction paperwork was in order and the total bid price \$198,768. Toler made a motion to take these bids under advisement and to discuss with council. Logsdon seconded. All were in favor. Engineer recommended awarding Gohmann Asphalt and Construction as the low bidder on the above road project. Gogel asked for comments from the public. There were no comments. Toler made a motion to accept engineer recommendation on this road project. Logsdon seconded. All were in favor.

Engineer Report

Huffman Mill

Lloyd stated that the Huffman Mill project of \$240,000 had to be cancelled and both Spencer and Perry County had decided to do the needed repairs with funds they had set aside. Lloyd will attend the next Perry County commissioners meeting (8 a.m. August 17, 2011) to confirm with Perry County that their wishes are the same as ours. Then, we can decide what work each county requires (including talking to the Historical Society) for the needed repairs and then the bid specs will be drawn up.

CR 450 W and 975 N -- Damage

E & B Paving has completed paving on this project. However, while Lloyd was traveling that stretch of road she noticed that at the corner of CR 450W and 900N there was damage on the newly paved road. Lloyd contacted E & B Paving and as a favor to Spencer County they are going to repair the pavement. Lloyd stated E & B Paving was as upset as she was when they saw the damage to the county road.

Ordinance #2011-09

This is the second reading of this ordinance. Attorney Lindsey instructed commissioners that he had made a change on the top of page three (3) under Section A: Public Sewer Availability Attorney Lindsey added to (1) as follows: As required by Indiana Code and Indiana Administrative Code (to the first line of that paragraph). This was the only change to the ordinance. There was discussion. Attorney Lindsey stated there is an exception from landowner being required to connect to a public sewer within 300 feet of the landowner's residence or commercial building for a 10 year period (State Law), if the existing sewer system is in good working order and has been certified by the local health department. Then, at the eleventh year it is state law even if the private sewer system is still in good working order it must be connected to the public sewer system. If the private sewer system fails during that ten year period the exemption stops and the landowner must connect to the public sewer system, per state law. Also, if the sewer company requires the landowner to connect the landowner could get up to a maximum of \$4,800 dollars which could be amortized over 10 - 20 year as a credit to the landowner's monthly sewer bill. There is a formula based on the age of the private sewer system for this credit. This exception is only good for the original owner; if you sell your house it is not transferable. If a residence or commercial building must hook up to a public sewer system in the county the hook up fee to the owner is based on the sewer districts costs, it is not an inflated price. These rules are good for the entire county. The only change to the local ordinance (besides the added sentence above) was an owner

must connect to a public sewer system if it is located within "300 feet of a residence or commercial building vs. 300 feet of the owner's property line (as it was in the old ordinance)." A representative with the Luce Sewer District stated they are currently putting the sewer pipe down on CR 200 N and the counties ordinance makes owners have to hook up to the public system. The representative was not happy with the counties ordinance because he stated the Luce Sewer District owns the sewer pipe and the county is taking control in a sense by requiring that the owners connect to their sewer pipe if their residence or commercial building is within 300 feet of their sewer pipe. Gogel stated that the counties local ordinance is the same as it always has been with the exception of being more lenient. All agreed. Representative stated there is also a section in the ordinance that the sewer district can refuse to hook someone up for a number of reasons. Logsdon asked Luce Sewer District representative if there was anything in the original ordinance that was of question. Representative stated he had not read the original ordinance just the published ordinance. There were more public comments. Norman Feige asked that the word "may" be required be considered instead of "shall" be required to be connected in this ordinance. Commissioners considered this comment. Attorney Lindsey stated the commissioners could do this. Policy has been considered on case by case basis. Logsdon asked that this be tabled to next public meeting for further public input. Feige recommended the commissioners read HEA 1197 that was enacted this past legislative session, governing sewer connections. Toler made a motion to table this second reading discussion. Logsdon seconded. All were in favor.

LEGAL REPORT

Resolution #2011-09

Spencer County has been involved in a dispute with AK Steel since 2004 involving AK Steel's failure to pay property taxes according to a taxpayer Agreement it reached with Spencer county in 1997 even though AK Steel has received all the benefits of that Taxpayer Agreement to date which are conservatively valued at \$130 million. The actions of AK Steel have deprived Spencer County property taxpayers of the benefits that were promised to them when the incentive package was put together with the full knowledge, participation, and approval of AK Steel. AK Steel has paid virtually no personal property taxes on roughly one billion dollars of personal property, in direct violation of the Taxpayer Agreement. AK Steel's failure to pay its property taxes has adversely impacted Spencer County homeowners, farmers and small businesses. It has come to the attention of the Board of Commissioners that AK Steel is or may be seeking further legislation or action by State Agencies to provide it with certain economic benefits, at even greater public expense, for its ongoing operations in Spence County. Be it resolved by the Spencer County Board of Commissioners that all Agencies of the State of Indiana and members of the General Assembly are urged to oppose any action designed to provide further public benefits to AK Steel until it honors its bargain with Spencer County and its taxpayers for the benefits it has already received. Gogel questioned the word Bargain in the last line of this resolution proposal. It was discussed. The council is to be presented a similar resolution for adoption this evening. Logsdon made a motion to approve Resolution 2011-09 as written. Toler seconded. All were in favor.

Appointment

A new appointment request was made to the commissioners by the Spencer County Public Library Board secretary Bobbie Wood on August 6th, 2011 in the form of a letter requesting consideration for Ranella Mason to complete Cindy Limp's term, which would begin immediately and expire on December 31, 2012. Mason is a resident of Ohio Township and Wood recommends that Mason be placed on the library board. Gogel asked for comments and suggestions. Toler made a motion to accept Woods recommendation of Mason to the library board as Limp's replacement and term to expire on December 31, 2012. Logsdon seconded. All were in favor.

ABR -- Haunted House

Christopher Fantini, with A Better Rockport (ABR) came before the commissioners to request the use of the old county jail on Main Street for the upcoming Haunted House planned for October of 2011. Logsdon asked if Fantini would contact the county jail maintenance man, Jim Higdon to tour the old jail and to make sure there are no holes in the floor, or nails sticking out, etc. to prevent accidents. Fantini stated that in the last five years of putting on the haunted house there have not been any accidents in the "fit of people running". Attorney Lindsey stated ABR would have to provide at least Three million dollars liability of insurance coverage and to sign a hold harmless document. Fantini will get with Attorney Lindsey with the required documents and Jim Higdon with the set up and clean up.

Toler made a motion to allow ABR the use of the old County jail for the upcoming haunted house. Logsdon seconded. All were in favor. All proceeds of this event are donated to a local charity. There was a little more discussion on items stored in the jail and to contact proper parties.

Re-districting

Gay Ann Harney came before the commissioners with a correction from last month on the redistricting totals. There was discussion and it was decided to table discussion and to put on the September 6th 2011 meeting agenda. Logsdon suggested running this by our councilmen.

Other Business

Logsdon discussed with commissioners a print out from a power point from David Bottorff with AIC concerning the pre-purchase and bulk purchase of Natural Gas for Indiana counties. ProLiance Energy is a full-service natural gas marketing company headquartered in Indianapolis Indiana. Logsdon requested the commissioners input by Wednesday of this week.

St. Meinrad Water Tower

Attorney Francis Lueken attended commissioner meeting requesting input on the completion of data requested for the new application being submitted for the St. Meinrad Water Tower grant. August 25, 2011 will be the next site visit. There was discussion on the use of county funds and county obligations. Logsdon advised Lueken he would have the data to him this evening and then Lueken could forward it to the proper parties.

Adjourned

Logsdon made a motion to adjourn. Toler seconded. All were in favor.

Board of Commissioners meeting adjourned at 4:25 p.m.

President

Attest:

Donna J. Lynam, Auditor